

**Amendment and Response**

Applicant: Paul Strande

Serial No.: 09/676,323

Filed: September 29, 2000

Docket No.: S122.101.101

Title: GOLF SWING PATH AND ALIGNMENT TRAINING DEVICE

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**REMARKS**

This Amendment and Response is in support of the concurrently filed Request for Continued Examination and addresses the Final Office Action mailed May 15, 2002. In that Office Action, claims 23 and 25 were rejected under 35 U.S.C. § 112, paragraphs one and two. Claims 1, 2, 6, 11-13, 15, 16, and 23-25 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Trosko, U.S. Patent No. 3,580,584 ("Trosko") in view of Anderson, U.S. Patent No. 3,542,369 ("Anderson") and Vlach, U.S. Patent No. 3,899,179 ("Vlach"). Claims 7-10 and 14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the references applied to claim 6 and further in view of Official Notice. Claims 17-22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the references applied to claims 1 – 16, and further in view of Furbush, U.S. Patent No. 5,350,177 ("Furbush"). With this Preliminary Amendment, claims 1, 23, and 25 have been amended. For at least the following reasons, it is believed that all claims are in a condition for allowance.

**Claim Rejections under 35 U.S.C. §112**

With this Preliminary Amendment, the "non-moveable" phrase noted by the Examiner in rejecting claims 23 and 25 under 35 U.S.C. §112 has been removed, thereby obviating the rejections. For example, claim 23 has been amended to recite that the body path member is rigidly secured to the arm path member. Support for this limitation is found, for example, in the Figure that illustrates an arm path member 12 rigidly secured to a body path member 14, as well as in the specification that describes the arm path member and body path member as being integrally formed (e.g., page 9, lines 18-19). Claim 25 has been amended to recite that the down swing club path guide is spatially fixed relative to the arm path member and the body path member. Support for this language is found, for example, in the Figure that illustrates a down swing club path guide 16 printed directly on to a structure that is otherwise affixed to an arm path member 12 and a body path member 14, necessitating that the down swing club path guide is spatially fixed relative to the arm and body path members.

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**Claim Rejections under 35 U.S.C. § 103**

As amended, claim 1 recites a golf swing aid having an arm path member and a body path member each having a leading end, a central portion, and a trailing end. The central portions are integrally formed as a monolithic unit. Relative to a center of the golf swing aid, at which a golf ball is otherwise positioned during use, an outer edge of the arm path member defines a straight edge both forward and rearward thereof.

In rejecting claim 1, the Examiner has referenced element "23" of Trosko as being an "arm path member" and element "11" as being a "body path member". As clearly shown in FIG. 1 of Trosko, the bar 23 and the bow 11 are connected to a disc 18 (numbered in FIG. 2) that otherwise defines the center of the device 10 (i.e., position at which a golf ball is placed during use). The bar 23 extends to only one side of the disc 18; in other words, the trailing end of the bar 23 is at the disc 18. Conversely, the bow 11 extends to opposite sides of the disc 18. With these specific designations in mind, a "central portion" of the bar 23 is not connected to a central portion of the bow 11, let alone integrally formed therewith, as otherwise required by amended claim 1. At best, the trailing end of the bar 23 is loosely associated with the central portion of the bow 11. Further, amended claim 1 requires that an outer edge of the arm path member define a straight edge forward and rearward of the center. The bar 23 of Trosko does not extend both forward and rearward of the center 18, and thus cannot satisfy this additional limitation. Importantly, Trosko does not provide a requisite suggestion to add an additional bar extending in a direction, relative to the disc 18, opposite the bar 23 shown in FIG. 1. In particular, Trosko describes the bar 23 as being provided solely to point the golfer toward the desired target (column 2, lines 4-16). Because the golfer will only be aiming in only one direction, an additional bar 23 pointing in an opposite direction would be entirely unnecessary. Notably, Trosko describes the bow 11 as providing the golfer with a desired swing path (column 2, lines 14-15). This statement further supports the conclusion that Trosko does not recognize the need for an additional, oppositely extending bar, as according to Trosko, the bow 11 provides the golfer with all the swing guidance necessary.

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Vlach and Anderson are equally unavailing. Vlach does not have an arm path member and a body path member; further, relative to the “arrow” 50 highlighted by the Examiner, the arrow is printed on a circular disc that does not otherwise have a straight outer edge. Anderson, on the other hand, does not have a body path member as identified by the Examiner (or an arm path member). In particular, the Examiner has identified element “b” of Anderson as being a body path member and element “a” of Anderson as being “back swing indicia”. Applicant respectfully disagrees. The partial lines associated with the identification of “a” and “b” in FIGS. 1 – 3 do not physically exist. They are merely imaginary lines used in the specification to represent a swing path. This fact is clearly evidenced by a comparison of the Figures of Anderson. For example, in FIG. 1, the lines “a” and “b” are shown as extending well beyond the mat 10. In FIG. 3, the line “b” is shown separate from the mat 10. Clearly, the lines “a” and “b” are not physically part of the mat and simply do not physically exist. As such, it is respectfully submitted that any alleged teachings advanced by the Examiner relative to the imaginary lines “a” and “b” of Anderson are without support.

In addition, the Examiner’s position that it would have been obvious to integrally form the device of Trosko as a monolithic unit is respectfully traversed. Trosko describes that the bow 11 is formed of a rope or flexible cord (column 1, lines 32-35), and that the bow 11 is movable relative to the rod 12 to suit the particular size of the player (column 2, lines 12-14). To form the Trosko device as a monolithic unit would require a material other than rope or cord, and would likely prevent a movable construction.

In light of the above, it is respectfully submitted that amended claim 1, as well as claims 2, 6-17, and 23-25 depending there from, are allowable over the cited references.

Claim 18 recites a golf swing aid having an arm path member and a body path member that together define a monolithic unit. Leading ends of the arm and body path members diverge from one another; trailing ends of the arm and body path members diverge from one another. As previously described with respect to amended claim 1, the bar 23 of Trosko extends in only one direction relative to the center disc 18. In other words, the trailing end of the bar 23 of Trosko intersects the bow 11, in direct contrast to claim 18. Vlach does not have arm and body path members. Similarly, Anderson does not have arm and body path members. Once again, the

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lines "a" and "b" in FIGS. 1 – 3 of Anderson are imaginary and do not otherwise physically exist. Thus, it is respectfully submitted that it is improper to rely upon the lines "a" and "b" of Trosko in rejecting claim 18. In addition, a requisite suggestion to provide the Trosko device as a monolithic unit does not exist.

For at least the above reasons, it is respectfully submitted that claim 18 is allowable over the cited reference. Claims 19-22 that otherwise depend from claim 18 are thus similarly allowable.

**CONCLUSION**

In light of the above, Applicant believes independent claims 1 and 18, and the claims depending therefrom, are in condition for allowance. Allowance of these claims is respectfully requested.

No fees are required under 37 C.F.R. 1.16(b) (c). However, if such fees are required, the Patent Office is hereby authorized to charge Deposit Account No. 500471.

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The Examiner is invited to contact the Applicant's Representative at the below-listed telephone number if there are any questions regarding this Amendment and Response.

Respectfully submitted,

Paul Strande,

By his attorneys,

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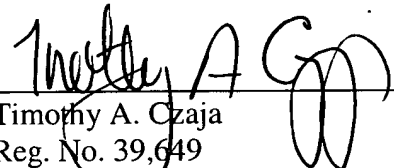
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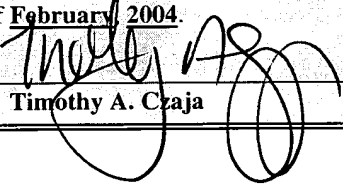
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**CERTIFICATE UNDER 37 C.F.R. 1.8:**

The undersigned hereby certifies that this paper or papers, as described herein, are being deposited in the United States Postal Service, as first class mail, in an envelope address to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 13<sup>th</sup> day of February, 2004.

By   
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Name: Timothy A. Czaja